

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

8 PAUL S. KLEIN,) 3:08-cv-00191-ECR-VPC
9 Plaintiff,)
10 vs.) ORDER
11 REID KIMOTO, et al.,)
12 Defendants.)
_____)

14 On February 25, 2011, Plaintiff filed a Motion (#272) for
15 sanctions against Defendant Brill.

16 Plaintiff's Motion (#272) is denied.

17 The basis for the motion is the claim that Defendant Brill
18 filed false evidence and committed perjury in the course of these
19 proceedings. These claims relate to matters considered in detail
20 by the Magistrate Judge in her Report and Recommendation (#252) and
21 hearings she held in respect to the motion.

22 The present Motion (#272) seeks for Plaintiff essentially the
23 same relief as the subject of the upcoming trial on Count 16.
24 Defendants have conceded liability on the claims in Count 16 and
25 therefore the only issue remaining for trial is the issue of
26 damages.

27 It is inappropriate for the Court to order Defendant Brill to
28 pay the costs of the Court for the hearing of November 17, 2010.

1 There is no basis presented which would support an award of
2 sanctions against attorney Davis for endeavoring, on the basis of a
3 sticky record, to espouse her client's case.

4 We have no jurisdiction or authority to file criminal perjury
5 and forgery charges against Defendant Brill.

6 IT IS FURTHER ORDERED that Defendant's Motion to Strike (#277)
7 is denied as moot in light of the Court's ruling as set forth
8 above.

10 Dated this 16th day of March 2011.

Edward C. Reed.

EDWARD C. REED
Senior United States District Judge